

From: [Benjamin Brodsky](#)
To: [Michael Ullman](#); [Tab Turner](#)
Cc: [Tony Thomas](#); [Diana Simon](#); [Jared Ullman](#); [Docketing](#); [Scott A. Hiaasen](#); [Christian Kohlsaat](#); [Alejandro F. Garcia, Esq.](#)
Subject: RE: SureFunding/Tradepay - Ullman & Ullman
Date: Friday, May 08, 2020 11:35:00 AM
Attachments: [image002.png](#)

We assert and reserve all privileges on behalf of Tradepay Capital, LLC and waive none.

Mr. Ullman, to the extent you are holding any privileged information or intend to testify on any privileged matters, you are directed by Tradepay Capital, LLC to preserve and assert all those privileges on behalf of the client.

Any determination that the power of attorney represents a wholesale waiver of the attorney-client privilege needs to be briefed and then ruled upon by the Court.

Benjamin H. Brodsky, Esq.



200 SE 1st Street
Suite 400
Miami, Florida 33131
T. 305-503-5054
F. 786-749-7644
bbrodsky@bfwlegal.com
www.bfwlegal.com

From: Michael Ullman <michael.ullman@uulaw.net>
Sent: Friday, May 08, 2020 11:11 AM
To: Tab Turner <tab@tturner.com>
Cc: Tony Thomas <tony@tturner.com>; Diana Simon <diana.simon@uulaw.net>; Jared Ullman <jared.ullman@uulaw.net>; Michael Ullman <michael.ullman@uulaw.net>; Benjamin Brodsky <bbrodsky@bfwlegal.com>; Docketing <docketing@bfwlegal.com>
Subject: RE: SureFunding/Tradepay - Ullman & Ullman

Good day Mr. Turner.

Thank you for having provided me with some of the pleadings filed in the case you have with Tradepay. I have reviewed it and this is my assessment of where we are:

- MCS Agent, LLC is asserting rights under a Power of Attorney that Tradepay Capital, LLC executed pursuant to a Master Participation Agreement between itself and MCS on February 2, 2018, under which MCS agreed to provide funding for certain transactions in Tradepay's receivable finance business. A default arose and MCS is now seeking to

exercise its right.

- MCS has now provided me with information that Tradepay contested and contests the validity of the Power of Attorney (right or wrongly) and in connection therewith sought to prevent written demand for materials from Tradepay's accountants, Reality Check Business Solutions, LLC and Tradepay's landlord, BZG International on January 8, 2020. The court denied the Motion which your firm seeks to imply means that the ruling was somehow a determination that the Power of Attorney is effective and perhaps it is.
- Assuming, arguendo, that the Power of Attorney is effective, and having no information as to how the other recipient of your letter have reacted, this is our position:
 - MCS, at best, stands in the shoes and has no more rights than those of Tradepay, limited by the terms of the Power of Attorney.
 - As an assignee of Tradepay, if Tradepay were to have made a request of Ullman & Ullman for the amount of information requested, this firm would have refused to provide such information unless and conditioned upon payment for all costs (including attorney's fees time expended) that would be associated with producing the requested material, which MCS has failed to offer.
 - As to MCS, however, even if MCS were to have offered to pay this firm for all estimated fees and costs for having to pull all files from warehouse and review the material necessary for production, in advance, as an assignee, MCS has shown no basis that permits this law firm to seek to seek to ignore or negate this law firm's ethical and legal duties of protection of the attorney client privilege, which in our view, even if waivable at any given time, is also likely to be revocable and regardless all client privileges will be honored unless or until a court were to issue an order finding otherwise (with due process given to this law firm) or the Florida Bar were to issue an opinion that production of all of the material sought, will not result in this Law Firm being subjected to violating applicable ethical concerns.

This has already taken far too much time on my part during very difficult times we are under. I assume that you are getting paid hourly for your efforts and I am not.

This will be my last communication to your firm on this subject.

Regards,

Mwu

Michael Ullman
Ullman & Ullman, P.A.
7700 West Camino Real
Suite 401
Boca Raton, FL 33433
Office phone #: 561-338-3535, ext. 121
Office facsimile #: 561-338-3581
Office Email Address: Michael.Ullman@uulaw.net

Office website: <http://www.uulaw.net>

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From: Tab Turner <tab@tturner.com>

Sent: Friday, May 08, 2020 10:08 AM

To: Michael Ullman <michael.ullman@uulaw.net>

Cc: Tony Thomas <tony@tturner.com>; Diana Simon <diana.simon@uulaw.net>; Jared Ullman <jared.ullman@uulaw.net>

Subject: RE: SureFunding/Tradepay - Ullman & Ullman

Enclosed are the pleadings that led to the Court's ruling affirming the validity and enforceability of the POA. There were two hearings as well.

Tab Turner
TURNER & ASSOCIATES, P.A.



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From: Michael Ullman [<mailto:michael.ullman@uulaw.net>]

Sent: Friday, May 8, 2020 9:01 AM

To: Tab Turner <tab@tturner.com>

Cc: Tony Thomas <tony@tturner.com>; Diana Simon <diana.simon@uulaw.net>; Jared Ullman <jared.ullman@uulaw.net>; Michael Ullman <michael.ullman@uulaw.net>

Subject: RE: SureFunding/Tradepay - Ullman & Ullman

Mr. Turner, please provide me with the Motion that was filed giving rise to the order provided.

Mwu

Michael Ullman
Ullman & Ullman, P.A.
7700 West Camino Real
Suite 401
Boca Raton, FL 33433
Office phone #: 561-338-3535, ext. 121
Office facsimile #: 561-338-3581
Office Email Address: Michael.Ullman@uulaw.net
Office website: <http://www.uulaw.net>

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From: Tab Turner <tab@tturner.com>
Sent: Thursday, May 07, 2020 7:18 PM
To: Michael Ullman <michael.ullman@uulaw.net>
Cc: Tony Thomas <tony@tturner.com>
Subject: SureFunding/Tradepay - Ullman & Ullman

Mr. Ullman-
I have no idea whether this will impact your decision whether to ignore the Power of Attorney, but enclosed is the Court Order entered today in Miami-Dade County recognizing the validity and enforceability of the irrevocable Power of Attorney. I provide this to make sure you understand that Tradepay's "alleged" counsel challenged the validity and the Court rejected the challenge. I say "alleged" only because our position was that Tradepay had no authority to hire counsel.

Let me know if you have questions.

Tab Turner
TURNER & ASSOCIATES, P.A.



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